

**To:** CN=Stephen Sweeney/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Mark Dyner/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** []  
**From:** CN=Don Waye/OU=DC/O=USEPA/C=US  
**Sent:** Thur 8/30/2012 9:57:06 PM  
**Subject:** Re: Oregon CZARA -- pesticides  
[http://www.epa.gov/oppfead1/cb/csb\\_page/updates/2011/nas-bio-esa.html](http://www.epa.gov/oppfead1/cb/csb_page/updates/2011/nas-bio-esa.html)  
<http://www8.nationalacademies.org/cp/projectview.aspx?key=49396>  
[Powers.David@epamail.epa.gov](mailto:Powers.David@epamail.epa.gov)  
 503-326-5874  
[powers.david@epa.gov](mailto:powers.david@epa.gov)  
[nbell@advocates-nwea.org](mailto:nbell@advocates-nwea.org)  
[John.King@noaa.gov](mailto:John.King@noaa.gov)  
[PEDERSEN.Dick@deq.state.or.us](mailto:PEDERSEN.Dick@deq.state.or.us)  
[bill@wrb-consulting.com](mailto:bill@wrb-consulting.com)  
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[will.stelle@noaa.gov](mailto:will.stelle@noaa.gov)  
[Rob.Walton@noaa.gov](mailto:Rob.Walton@noaa.gov)  
[www.NorthwestEnvironmentalAdvocates.org](http://www.NorthwestEnvironmentalAdvocates.org)  
[nbell@advocates-nwea.org](mailto:nbell@advocates-nwea.org)  
 503/295-0490  
[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
<http://coastalmanagement.noaa.gov>

Oops. Got it. Sorry.

**From:** Stephen Sweeney/DC/USEPA/US  
**To:** Don Waye/DC/USEPA/US@EPA  
**Cc:** Mark Dyner/DC/USEPA/US@EPA  
**Date:** 08/30/2012 05:46 PM  
**Subject:** Re: Oregon CZARA -- pesticides

Don,

## Ex. 5 - Attorney Client

Thanks,

Steve

Stephen J. Sweeney  
[sweeney.stephen@epa.gov](mailto:sweeney.stephen@epa.gov)  
 202-564-5491  
 202-564-5477 (fax)

From: Don Waye/DC/USEPA/US  
To: Allison Castellan <allison.castellan@noaa.gov>, David Powers/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA  
Cc: Lynda Hall/DC/USEPA/US@EPA, Stephen Sweeney/DC/USEPA/US@EPA, Mark Dynner/DC/USEPA/US@EPA  
Date: 08/30/2012 05:44 PM  
Subject: Oregon CZARA -- pesticides

## Ex. 5 - Attorney Client

Here's a couple of links to the NAS review and an EPA press release about it:  
[http://www.epa.gov/oppfead1/cb/csb\\_page/updates/2011/nas-bio-esa.html](http://www.epa.gov/oppfead1/cb/csb_page/updates/2011/nas-bio-esa.html)  
<http://www8.nationalacademies.org/cp/projectview.aspx?key=49396>

Don

From: Allison Castellan <allison.castellan@noaa.gov>  
To: David Powers/R10/USEPA/US@EPA  
Cc: Jayne Carlin/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA  
Date: 08/30/2012 03:30 PM  
Subject: Re: Fw: Oregon CZARA -- pesticides

## Ex. 5 - Deliberative

On Thu, Aug 30, 2012 at 2:22 PM, David Powers <Powers.David@epamail.epa.gov> wrote:  
Chad - I recently sent you an August 20, 2012 letter from NWEA to EPA and NOAA regarding EPA/NOAA findings on OR's management measures for pesticide use on ag and forest lands. That letter is attached below along with related rule change petition documents.

In the letter NWEA claims that the EPA/NOAA Coastal Resource Program 2004 interim sign off on OR's coastal nonpoint source pollution control plan (CNPCP) management measures for pesticide use relied on a court-ordered injunction stemming from the WA Toxics Coalition v. EPA Court decision. NWEA further indicates that since that injunction has terminated for a number of pesticides, and will likely be completely terminated by June 30, 2013, an EPA proposed final decision that relied on the injunction would be arbitrary and capricious.

It was my understanding that the injunction would be in place until Section 7 consultation on several dozen pesticides had been completed. Do you or John know the current status of those pesticide consultations and whether they have resulted in specific label use restrictions or riparian buffer requirements?

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David Powers  
Regional Manager for Forests and Rangelands  
USEPA Region 10, OOO  
805 SW Broadway, Suite 500  
Portland, OR 97205

503-326-5874  
powers.david@epa.gov

----- Forwarded by David Powers/R10/USEPA/US on 08/28/2012 10:37 AM -----

From: "Nina Bell" <nbell@advocates-nwea.org>  
To: Mike Bussell/R10/USEPA/US@EPA, <John.King@noaa.gov>  
Cc: <PEDERSEN.Dick@deq.state.or.us>, "Bill Blosser" <bill@wrb-consulting.com>, <ALDRICH.Greg@deq.state.or.us>, "FOSTER Eugene P" <FOSTER.Eugene@deq.state.or.us>, <Allison.Castellan@NOAA.gov>, David Powers/R10/USEPA/US@EPA, <kim.kratz@noaa.gov>, Marylou Soscia/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, <paul\_henson@fws.gov>, "Will Stelle" <will.stelle@noaa.gov>, <Rob.Walton@noaa.gov>, Dennis McLerran/R10/USEPA/US@EPA  
Date: 08/20/2012 02:10 PM  
Subject: Oregon CZARA -- pesticides

Please find a short letter attached.

Nina

Nina Bell, J.D., Executive Director  
Northwest Environmental Advocates  
P.O. Box 12187  
Portland, OR 97212-0187  
www.NorthwestEnvironmentalAdvocates.org  
nbell@advocates-nwea.org  
503/295-0490

(See attached file: CZARA Letter to Federal Agencies re pesticide petition.pdf)(See attached file: Pesticide Petition FINAL.pdf)(See attached file: Table of Contents FINAL.pdf)

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